

In The District Court of The United States  
 For The Middle District of Alabama

Sub-AUG-14 A 10:02  
 RECEIVED

Jason T. McDonnell  
 Plaintiff,

V. Jail commander McCarty, et al;  
 Defendants.

X Civil Action Number

X 1:06-CV-347-MEF

X

X

Affidavit

I am Jason T. McDonnell, a pre-trial detainee at the Houston County Jail, I have been unable to make bond and remain incarcerated. Unless otherwise indicated herein, I have personal knowledge of the facts and information contained herein. I make this affidavit after review of the defendant's Special Report, Supplemental Special Report, and affidavits in an attempt to address the issues and circumstances surrounding this case.

Plaintiff was arrested on March 23<sup>rd</sup> 2006 on two alias warrants issued by the circuit clerk of Houston Co. on March 14<sup>th</sup> 2006, at which time Plaintiff was incarcerated in the Dale Co. Jail, Dale County Alabama. Houston County was fully aware of my incarceration at the time they issued the warrants, making them "Bogus" and issued without probable cause. Plaintiff had been to all three of his previous court dates, Needless to say, I was also "re-arrested" at the same time on a conditional forfeiture of bond. All three entitled Plaintiff to a New (72) hr hearing, which I did not receive. I never got a chance to see a judge and explain myself, or be informed why I was being arrested for failure to appear when I was already

incarcerated in Dale Co. Jail on my court date and when the warrants were issued. I was never afforded my constitutionally guaranteed right to due process. By law I am entitled to some kind of hearing within (72) hrs after arrest in order to be detained. "At no time shall any person be denied liberty without due process of law?"

After (72) hrs had passed by, I notified the head of the records for the jail, Sgt. Davis, about the violation, Sgt. Davis failed to respond to my request. After Sgt. Davis failed to respond to my request, I wrote an inmate grievance with the commander of the jail, Comm. McCarty, at which time he responded by telling me I already had a first appearance in 2004, over two years ago, and that I needed to contact my lawyer Shaun McGee, my lawyer told me "He doesn't see how this violation has anything to do with my case?" The defendants never even looked into the matter, I assured them my rights were being violated and they failed to do anything about it, and still fail to this day.

Plaintiff asserts that defendants denied him liberty and defendants knowingly & willingly violated Plaintiff's federally guaranteed right to due process of law, defendants knowingly violated laws & rights of Plaintiff, failed to remedy wrong after learning of violation, and allowed deprivation to continue, defendants acted in subjective good faith in total disregard of Plaintiff's clearly established constitutional rights. This serious deprivation of fair play & adequate justice and deliberate conscious indifference to Plaintiff's guaranteed rights has inflicted unnecessary wanton pain & suffering, sorrow, mental and emotional distress, personal anguish, nervousness, paranoia, inability to sleep, nightmares, cold sweats, vomiting, nausea,

Fear, discomfort, unrest, worry, embarrassment, Shame, lost wages, Inconvenience, and Substantial hardship.

The defendants actions & inactions has cause the plaintiff Irreparable injury, Substantial damage to plaintiff's reputation, Significantly limited plaintiff's associational and future employment opportunities, and Substantially impaired Plaintiff's ability to pursue his career and provide for his family. The defendant's total disregard for plaintiff's clearly established guaranteed federal & state rights has caused the plaintiff to languish in jail for months under extreme emotional & mental distress and extremely oppressive pre-trial incarceration.

Pursuant, title 28 U.S.C. 1746, and title 18 U.S.C. 1621, Plaintiff, certifies by signing below, Pursuant "Penalties of Perjury" that the foregoing is true and correct to the best of his information, Knowledge, and belief.

Done this 1<sup>st</sup> day of August, 2006.

*Jason J. McDonnell*  
Jason J. McDonnell  
Plaintiff.

901 E. Main St.  
Dothan, AL 36301

7/30/06  
My Commission Expires 8-7-2007

*K.C. Mel*